IN THE UNITED STATES DISTRICT COURT IN AND FOR THE SOUTHERN DISTRICT OF IOWA CENTRAL DIVISION

BARBARA JUDKINS, on benait of)
herself and all others similarly situated,) No. 4:12-cv-00293-RP-CFB
Plaintiff,)
,) STATUS REPORT
vs.)
)
SOUTHERNCARE, INC.,)
)
Defendant.)

Defendant, SouthernCare, Inc., by and through its undersigned counsel, for its Status Report states as follows:

- 1. Defendant filed its Motion to Compel and for Sanctions on June 25, 2014 requesting an order compelling 26 of the 28 individuals who filed Opt-In Consent Forms in this matter (hereinafter "Opt-In Plaintiffs") to respond to Defendant's Interrogatories and Request for Production. (*See* Dkt. 49.)
- 2. The Court entered an Order on June 26, 2014 granting Defendant's Motion to Compel, ordering the Opt-In Plaintiffs to respond to discovery requests by July 30, 2014 and cautioning the Opt-In Plaintiffs that their failure to comply could result in sanctions including dismissal. (*See* Dkt. 50.) The Order further provided that Defendant may renew its request for the sanction of dismissal for any Opt-In Plaintiff who failed to respond to Defendant's discovery requests. (*Id.*)
- 3. On July 30, 2014, Defendant received written discovery responses from three Opt-In Plaintiffs including Dana Godfrey, Jody Holborrow and Deborah Miller. Opt-In Plaintiffs Wade Opperman and Dallas Waggle previously provided written discovery

responses. The remaining 23 Opt-In Plaintiffs did not respond to Defendant's Interrogatories or Request for Production of Documents.

- 4. Pursuant to the Court's June 26, 2014 Order, Defendant renews its request for dismissal of the Opt-In Plaintiffs who failed to respond to Defendant's written discovery requests. The Court may order sanctions, including dismissal, against a party who fails to comply with an order compelling discovery. *See* Fed. R. Civ. P. 37(b)(2)(A). Moreover, the Court may order sanctions against a party who fails to serve answers interrogatories and responses to request for production of documents. *See* Fed. R. Civ. P. 37(d)(1).
- 5. Defendant requests that the Court enter an Order dismissing the following Opt-In Plaintiffs for their failure to comply with the Court's Order compelling discovery responses:

Scott Clark Sadonia Edwards Lynne Grosshans Christopher Hallmark Rebecca Hiles Stephanie Kluding Edward Latos Trace Leith Elizabeth McElyea Marian McGee Amber Meredith Victoria Moss Marva Paris Richard Phillips Richard Poland April Scott Kristina Suberbielle Robin Sutphin Caitlin Theis Shelly Thompson Tressie Turner Michelle Wiley Margaret Wingard

SIMMONS PERRINE MOYER BERGMAN PLC

By: /s/ Kevin J. Visser

Kevin J. Visser AT0008101

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2014, I filed the foregoing **Status Report** with the Clerk of Court using the ECF system which will send notification of such filing to the following:

Harley C. Erbe Erbe Law Firm 2501 Grand Avenue Des Moines, IA 50312 erbelawfirm@aol.com

/s/ Kevin J. Visser